

## REMARKS

### I. Introduction

Claims 1-12 are pending in this application.

Claims 1, 2, 4, and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by Banker et al. U.S. Patent No. 5,579,057 ("Banker")

Claims 3, 5, 6, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Banker.

Claims 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banker in view of Young et al. U.S. Patent No. 5,479,268 ("Young").

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Banker in view of Hamilton et al. U.S. Patent No. 5,579,055.

In the December 5, 2007 Office Action, all rejections based on Gough et al. U.S. Patent No. 5,638,501 ("Gough"), 35 U.S.C. § 101, and obviousness-type double patenting in view of Marshall et al. U.S. Patent No. 6,020,929 ("Marshall") have been withdrawn.

## II. Applicants' Reply

The Examiner rejected applicants' independent claims 1 and 12 as being anticipated by Banker. The Examiner also rejected applicants' independent claim 11 as being obvious over Banker. The Examiner's rejections are respectfully traversed.

Applicants' independent claims 1, 11, and 12 are directed to superimposing an interactive program guide with a perceived partial transparency over a television program. As set forth on page 3 of the Office Action, the Examiner relies on two portions of Banker to reject applicants' claims:

- (1) Col. 4, lines 1-28 of Banker, which discusses how a character can be displayed on active video to show cutout portions of the active video and other special effects; and
- (2) Col. 12, lines 3-11 of Banker, which discusses how an on screen display controller operates under commands from a control microprocessor to provide on-screen displays of combinations of text and graphics screens.

Nowhere do these two portions nor any other portions of Banker teach or suggest a "perceived partial transparency" as the Examiner contends. Rather, Banker discusses how an opaque character (e.g. the "A" in FIG. 22) can be displayed on either an opaque background of another color, or the original,

unmodified active video. Specifically, with respect to the first portion outlined in col. 4, lines 1-28 of Banker and fully explained at col. 23, lines 29-46, Banker's circuitry of FIG. 21 senses a "transparent" tag associated with text to determine whether or not the unmodified active video background is used instead of a static color background:

When the display processor detects a transparent color, even when enabled, the state of the PIXSEL will be zero to produce a selection of the VIDEO IN signal pixel and an active video background pixel for display.

This does not teach or suggest the perceived partial transparency effect required by applicants' claims. Instead, as mentioned above, it shows how a character can be shown on an opaque background or the original active video. Banker teaches that such a character is necessarily opaque which is contrary to being displayed with a partial transparency effect. Accordingly, applicants respectfully request that the rejections of applicants' independent claims 1, 11, and 12 be withdrawn.

For at least the foregoing reasons, applicants respectfully submit that independent claims 1, 11, and 12 are allowable. Accordingly, applicants' dependent claims 2-10 are also patentable. Applicants respectfully request that the rejection of claims 1-12 be withdrawn.

### **III. Request for Copy of Fully Initialed Form PTO-1449**

The November 30, 2007 Supplemental IDS called the Examiner's attention to, among other things, English translations of foreign patent documents and non-patent literature documents. With respect to these documents, applicants provided the following statement on page 2 of the Supplemental IDS:

It is respectfully requested that these documents be (1) fully considered by the United States Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application. Applicants request that a copy of Form PTO/SB/08, as considered and initialed by the Examiner, be returned with the next communication.

Applicants did not receive a copy of the Form PTO-1449 along with the December 5, 2007 Office Action. Thus, applicants respectfully request that the Examiner send a copy of the fully initialed Form PTO-1449 to the undersigned.

### **IV. Conclusion**

Applicants respectfully submit that the foregoing demonstrates that this application is in condition for

allowance. Accordingly, prompt consideration and allowance of this application are respectfully requested.

Respectfully submitted,

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